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14 *PNS Stores, Inc., d/b/a Big Lots Store #4239*

9 **UNITED STATES DISTRICT COURT**

10 **DISTRICT OF NEVADA**

11 REBECA MEDRANO, individually,

12 Case No.: 2:11-CV-01156-LRH-CWH

13 Plaintiff,

14 vs.
15 **APPLICATION FOR EXTENSION OF**
16 **TIME TO COMPLETE DISCOVERY**
17 **PURSUANT TO LR 26-4**

18 PNS STORES, INC., a/k/a BIG LOTS STORE
19 #4239, and DOES 1 through V and ROE
20 CORPORATIONS I through V,

Defendants.

18 Pursuant to Federal Rule of Civil Procedure 26 and Local Rule of Practice 26-4, the
19 parties, by and through their respective counsel of record hereby stipulate to and request that the
20 Court extend the discovery deadlines for the reasons set forth below:

21 **A. THE DISCOVERY COMPLETED:**

22 The parties have completed the following discovery:

23 • Plaintiff's Initial Disclosures
24 • PNS Stores, Inc's Initial Disclosures;
25 • PNS Stores' Inc.'s First Set of Requests for Production of
26 Documents to Plaintiff;
27 • PNS Stores' Inc.'s First Set of Interrogatories Plaintiff;
28 • Plaintiff Rebeca Medrano's Responses to PNS Stores, Inc's First
Request for Production

- 1 Plaintiff Rebeca Medrano's Answers to PNS Stores, Inc's First Set of Interrogatories
- 2
- 3 Defendant has requested medical records from Plaintiff's treating providers and has received records from several of those providers;

4 **B. DISCOVERY THAT REMAINS TO BE COMPLETED:**

- 5 Defendant needs to obtain medical records from Plaintiffs' treating physicians who have yet to respond to Defendant's outstanding requests;
- 6
- 7 Both parties need to make expert disclosures;
- 8 Both parties need to take the depositions of experts;
- 9 Both parties need to take the deposition of any percipient witnesses;
- 10 Defendant needs to take the depositions of Plaintiff's treating physicians;
- 11
- 12 Defendant needs to take the deposition of Plaintiff Rebeca Medrano;
- 13
- 14 Plaintiff needs to take the Fed. R. Civ. P. 30(b)(6) deposition of Defendant PNS Stores, Inc.

15 **C. THE REASONS THE REMAINING DISCOVERY HAS NOT BEEN COMPLETED:**

16 As demonstrated above, the parties have undertaken discovery in this action. The pace
 17 and scope of discovery, however, has been affected by the time it takes to request and receive
 18 Plaintiff's medical records.

19 This is a personal injury action in which Plaintiff alleges that she has suffered multiple
 20 injuries after a box fell on her head and neck in Defendant's store. Plaintiff has treated with
 21 several medical providers and continues to receive ongoing medical treatment. There are
 22 multiple treating physicians and other health care providers involved. Accordingly, discovery
 23 concerning Plaintiff's medical treatment (and causation) and damages has required the parties to
 24 request, collect, and review nearly all of Plaintiff's medical, educational, and employment
 25 records.

26 In doing so, the parties have found it exceedingly difficult, if not impossible, to collect all
 27 necessary information and obtain necessary expert opinions within 90 days, as is required within
 28 the existing proposed discovery plan and scheduling order. For example, Plaintiff's records must

1 be collected with use of a HIPAA authorization. This has required time to both request
 2 authorizations and the identification of providers in discovery (at least 30 days) and additional
 3 time to then obtain medical records. Depending on the responsiveness of the provider, it has
 4 taken weeks and in some instances longer to obtain medical records. Those records must then be
 5 given to an expert with time to review and render an opinion. Presently, the expert disclosure
 6 deadline is set for November 14, 2011 and Defendant is still waiting for several providers to
 7 respond to its request for medical records.

8 For these reasons, the parties respectfully request an additional 90 days to complete
 9 discovery. Counsel believes that an additional 90 days for discovery is reasonable and necessary
 10 for the preparation of the case.

11 **D. A PROPOSED SCHEDULE FOR COMPLETING ALL REMAINING DISCOVERY:**

12 A. Discovery Cut-Off Date: Discovery will be completed by **April 12, 2012**.
 13 B. Amending Pleadings and Adding Parties: All motions to amend the
 14 pleadings or to add parties shall be filed no later than **January 13, 2012**, ninety (90) days prior to
 15 the close of discovery.

16 C. Fed. R. Civ. P. 26(a)(2) Disclosures of Experts: Disclosures concerning
 17 experts shall be made no later than **February 10, 2012**, the nearest judicial day to sixty (60) days
 18 prior to the close of discovery. Disclosures concerning rebuttal experts shall be made no later than
 19 **March 12, 2012**, the nearest judicial day to thirty (30) days after the initial disclosure of experts,
 20 whichever is first.

21 D. Interim Status Report: The parties shall file the interim status report
 22 required by LR 26-3 by **February 10, 2012**, the nearest judicial day to sixty (60) days prior to the
 23 close of discovery.

24 E. Dispositive Motions: All dispositive motions shall be filed no later than
 25 **May 14, 2012**, the nearest judicial day to thirty (30) days after the close of discovery.

26 F. Pre-trial Order: The parties shall file a joint pretrial order no later than **June**
 27 **13, 2012**, (30) days after the date set for filing dispositive motions. In the event that dispositive
 28 motions are filed, the date for filing the joint pretrial order shall be suspended until thirty (30) days

1 after decision on the dispositive motion(s) or further order of the Court. The disclosure required by
2 Fed. R. Civ. P. 26(a)(3) and objections thereto shall be made in the pre-trial order.

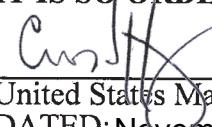
3 G. Fed.R.Civ.P. 26(a)(3) Disclosures: The disclosures required by Fed. R. Civ.
4 P.26(a)(3) shall be made in the joint pretrial order.

5 SAM HARDING LAW FIRM

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24 IT IS SO ORDERED:
25 
26 United States Magistrate Judge
27 DATED: November 3, 2011